

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

MICHAEL KRAMER,)	
)	
Plaintiffs,)	Civil Action No. 13-606
)	
v.)	
)	
THE CITY OF NEW KENSINGTON,)	
et al,)	
)	
Defendants.)	

ORDER

AND NOW, this 25th day of September, 2015, for the reasons set forth in the accompanying opinion, the motion for summary judgment (ECF No. 83) will be GRANTED IN PART and DENEID IN PART. The court adopts in part and rejects in part the report and recommendation of the magistrate judge. (ECF No. 97.)

Summary judgment is hereby granted in favor of The City of New Kensington and The New Kensington Police Department and against plaintiff Michael Kramer ("Kramer") with respect to the municipal liability claims asserted against those defendants based upon the use of excessive force and deliberate indifference to the medical needs of Kramer by defendants Anthony Grillo, Russell Baker, and Gary Schubert. The motion for summary judgment is denied in all other respects.

Kramer must file a notice with the court within thirty days of the date of this order to advise the court whether he intends to proceed against the New Kensington defendants with his claims asserted under 42 U.S.C. § 1983 based upon the violation of his due process rights. Failure to do so will result in the dismissal of those claims.

Kramer may file a motion within thirty days of the date of this order to seek additional discovery and should specifically address where he was incarcerated on December 3, 2015, and the date on which he was transferred to the Allegheny County Jail.

IT IS SO ORDERED.

JOY FLOWERS CONTI

Joy Flowers Conti

Chief United States District Judge